

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Gerard HAYES et al

Serial No.: 10/517,993

Filed: 05/11/05

Title: ANTI-SMOKING DEVICE

Group Art Unit:3751

Examiner: Douglas, Steven D.

Attorney Docket No.:TOMK:015

Confirmation No. 7267

**EFS WEB FILING**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

**NOTICE OF APPEAL**

Applicants hereby appeal the final rejection of the claims issued in the Final Office Action dated April 22, 2008. The period for response having expired on July 22, 2008, applicants have filed concurrent herewith a petition for a three month extension of time. The appeal and extension fees are being paid through the electronic filing system. The Commissioner, however, is authorized to charge any fees required to enter this amendment and/or maintain the pendency of this application to Deposit Account 18-2056.

Respectfully submitted,

Date: 22 October 2008

/Marc A. Rossi/  
Marc A. Rossi, Esq.

Reg. No. 31,923

ROSSI, KIMMS & McDOWELL, LLP  
P.O. Box 826  
Ashburn, VA 20146  
703-726-6020